

Appln. No. 10/713,756
Amendment dated July 1, 2004
Reply to Office Action mailed May 26, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 4 and 6 through 14 remain in this application. Claim 5 has been cancelled.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraphs 1 and 2 of the Office Action

Claims 1-4, 8-10 and 13 have been rejected under 35 U.S.C. §102(b) as being anticipated by Whipple et al. (2,759,292).

It is submitted that the Whipple reference does not disclose, teach or suggest "a plurality of tab members being coupled to said container member, each of said tab members extending outwardly from said container member, said tab members being adapted for extending around a stabilizer bar of a handle of the lawn mower such that the stabilizer bar is positioned between each of said tab members and said container member to allow said container member to be selectively coupled to the lawn mower". The Whipple reference teaches a fogger that fails to teach a plurality of tab members being coupled to the container member so that a stabilizer bar is positioned between the container member and the tab members to said the container member to the handle of the lawn mower as claimed by the applicant. Therefore, it is submitted that the Whipple reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 through 4 and 8 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 through 4 and 8 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1-4, 8-10 and 13 is therefore respectfully requested.

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Paragraphs 3 through 6 of the Office Action

Claims 5, 6, 11 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Whipple et al. in view of Tamian et al (6,145,288).

Claim 7 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Whipple et al. in view of Zennie (3,857,515).

Claim 14 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Whipple et al. in view of Tamian et al. and Zennie.

In regard to claims 1 and 14, it is submitted that the combination of Whipple with Tamian and/or Zennie is not suggested by the prior art, and even if such a combination were to be made, one would not be led to the combination of features recited in applicants' claims. In particular, the references do not disclose, teach or suggest "a plurality of tab members being coupled to said container member, each of said tab members extending outwardly from said container member, said tab members being adapted for extending around a stabilizer bar of a handle of the lawn mower such that the stabilizer bar is positioned between each of said tab members and said container member to allow said container member to be selectively coupled to the lawn mower". As discussed above, the Whipple reference teaches fails to teach a plurality of tab members being coupled to the container member so that a stabilizer bar is positioned between the container member and the tab members to said the container member to the handle of the lawn mower as claimed by the applicant. The Tamian reference teaches a device for creating fluid treated mulch that fails to teach a plurality of tab members being coupled to the container member so that a stabilizer bar is positioned between the container member and the tab members to said the container member to the handle of the lawn mower as claimed by the applicant. Further, the Tamian reference is completely silent as to the use of tab members coupled to the container member to allow the bar to be positioned between the tab members and the container member to couple the container member to the bar of the handle of the lawn mower. The Tamian

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reference teaches a method of coupling the fluid reservoir to the handle of the lawn mower as shown in column 2, lines 53 through 63 and reiterated below.

"Alternatively, the fluid reservoir 36 can be connected to the push handle 32 through the method described herein. This method uses a fluid reservoir 36 with a reservoir sump 44, such that the width of the reservoir tank spans the vertical elements of the push handle 32. The reservoir sump 44 is narrower than the vertical member of the push handle 32, the reservoir sump 44 rests on the push handle cross bar 34 as illustrated in Figs. 6 and 7. A reservoir strap 50 attaches to the ends of the fluid reservoir 36, and wraps behind the vertical elements of the push handle 32, holding the fluid reservoir 36 to the push handle 32."

The Tamian reference only teaches this desired method of mounting the fluid reservoir to the push handle of the mower, and thereby provides no motivation or suggestion to modify the Whipple reference to use tab members coupled to the container member to position the bar of the handle between the tabs and the container member to couple the container member to the bar of the handle of the mower. The cited reference, including that of Zennie, are also silent on the use of tab members coupled to the container member to position the bar of the handle between the tabs and the container member to couple the container member to the bar of the handle of the mower. Therefore, it is submitted that the combination of the Whipple reference with the Tamian and/or Zennie reference would not lead one to the combination of features as claimed by the applicant.

Claims 6, 7, 11 and 12 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 6, 7, 11 and 12 are also believed to be allowable over the cited reference.

Claim 5 has been cancelled.

Withdrawal of the §103(a) rejection of claims 5, 6, 11 and 12 is

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Withdrawal of the §103(a) rejection of claim 7 is therefore respectfully requested.

Withdrawal of the §103(a) rejection of claim 14 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By 

Date:

7/2/04

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